

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FRANK SACO
Plaintiff,

CIVIL ACTION
NO: 03-12551-NG

vs.

TUG TUCANA and
TUG TUCANA CORPORATION
Defendants.

DEFENDANT'S SCHEDULING STATEMENT

Now comes the defendant, Tug Tucana Corporation, in the above captioned action, by and through its undersigned counsel, and after conferencing pursuant to Local Rule 16.1(B) of the United States District Court for the District of Massachusetts, hereby submit its proposed Scheduling Statement.

Counsel for both parties have conferred, but could not reach an agreement.

I. DISCOVERY PLAN

- A. All factual depositions to be completed by November 30, 2004.
- B. Plaintiff's designation of experts and disclosure of expert information and reports pursuant to the Federal Rules of Civil Procedure served on or before December 31, 2004.
- C. Defendant's designation of experts and disclosure of expert information and reports pursuant to the Federal Rules of Civil Procedure served on or before January 31, 2005.

D. All expert depositions to be completed by March 31, 2005.

E. Final Pretrial Conference to be scheduled after March 31, 2005.

II. MOTION SCHEDULE

In addition to the above, the parties propose the following motion schedule.

A. Motions to amend the pleadings, to add parties or to set forth additional claims to be filed on or before June 30, 2004.

B. Dispositive Motions to be filed by November 30, 2004 with Oppositions filed within twenty-one (21) days as set forth in the Local Rules of this Court.

III. CERTIFICATION

The defendant hereby certifies that it has complied with the Local Rules and has filed its certification.

IV. TRIAL BY MAGISTRATE JUDGE

The defendant does not consent to trial by a Magistrate Judge at this time.

V. SETTLEMENT

The plaintiff is in the process of tendering a written settlement demand to the defendant.

WHEREFORE, the defendant prays that this Honorable Court approve the above proposed schedule.

Respectfully Submitted,

DEFENDANT

CLINTON & MUZYKA, P.C

"/s/Thomas J. Muzyka"

Thomas J. Muzyka

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Dated: May 18, 2004